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# HOUSE BILL No. 1742

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8.

**Synopsis:** Negligent driving. Makes the negligent operation of a motor vehicle a Class C infraction. Requires a judge to recommend the suspension of a person's driver's license if the person commits negligent driving resulting in injury or death to another person. Provides that if a person commits negligent driving resulting in the death of another person, the law enforcement agency investigating the accident must refer the case to the prosecuting attorney.

**Effective:** July 1, 2003.

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January 21, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1742

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-21-8-37.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 37.5. A person who:**  
4 **(1) negligently operates a motor vehicle; and**  
5 **(2) creates a substantial risk of injury to any person or**  
6 **damage to property;**  
7 **commits negligent driving.**  
8 SECTION 2. IC 9-21-8-54, AS AMENDED BY P.L.39-2000,  
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2003]: Sec. 54. (a) A person who violates section 35(b) or  
11 ~~section~~ 35(c) of this chapter commits a Class A infraction.  
12 (b) If a violation of section 35(b) of this chapter results in damage  
13 to the property of another person, in addition to any other penalty  
14 imposed, the court shall recommend that the person's driving privileges  
15 be suspended for a fixed period of not less than ninety (90) days and  
16 not more than one (1) year.  
17 (c) If a violation of section 35(c) of this chapter results in damage



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to the property of another person of at least two hundred fifty dollars (\$250), in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(d) If a violation of section 35(b), ~~or section 35(c)~~, **or 37.5** of this chapter results in injury to another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.

(e) If a violation of section 35(b), ~~or section 35(c)~~, **or 37.5** of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two (2) years.

(f) The bureau shall, upon receiving a record of a judgment entered against a person under this section:

(1) suspend the person's driving privileges for a mandatory period; or

(2) extend the period of an existing suspension for a fixed period; of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment.

SECTION 3. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 55. If a person violates section 37.5 of this chapter and causes the death of another person, the law enforcement agency investigating the accident shall refer the case to the prosecuting attorney.**

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